

Article - Public Safety

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§14–208.

(a) (1) Before a court enters judgment in a proceeding in any court in which the defendant fails to appear:

(i) the plaintiff shall file in the court an affidavit that sets forth facts that show that the defendant is not a person in emergency management service or person suffering injury or damage; or

(ii) if the plaintiff is unable to file an affidavit in accordance with item (i) of this paragraph, the plaintiff shall file an affidavit that states that:

1. the defendant is a person in emergency management service or person suffering injury or damage; or

2. the plaintiff is unable to determine whether the defendant is a person in emergency management service or person suffering injury or damage.

(2) If the plaintiff does not file an affidavit in accordance with paragraph (1)(i) of this subsection, judgment may not be entered until the court:

(i) orders entry of the judgment; and

(ii) appoints an attorney to represent the defendant in accordance with paragraph (3) of this subsection.

(3) The court on motion shall appoint an attorney to represent the defendant and to protect the defendant's interests, if the defendant is a person in emergency management service or person suffering injury or damage.

(4) Unless the court finds that the defendant is not a person in emergency management service or person suffering injury or damage, the court before entering judgment may require that the plaintiff file a bond approved by the court to indemnify the defendant against any loss or damage that the defendant may suffer because of the judgment if all or part of the judgment is later set aside.

(5) The court may issue any other order or enter any judgment that the court considers necessary to protect the rights of the defendant under this subtitle.

(b) (1) If a person in emergency management service or person suffering injury or damage is party to a proceeding and does not personally appear in the proceeding or is not represented by an authorized attorney, the court may:

- (i) appoint an attorney to represent the person;
- (ii) require a bond to be filed like the bond required under subsection (a)(4) of this section; and
- (iii) issue an order to protect the rights of the person.

(2) An attorney appointed under this subsection may not waive any right of the person for whom the attorney is appointed or bind the person by the attorney's acts.

(c) (1) Not later than 90 days after a defendant ceased to be a person in emergency management service or person suffering injury or damage, the defendant or legal representative of the defendant may file with the court that entered a judgment against the defendant in a proceeding subject to this section a motion to open the judgment against the defendant if:

(i) the judgment was entered during the period that the defendant was, or within 30 days after the defendant ceased to be, a person in emergency management service or person suffering injury or damage; and

(ii) the court finds that the defendant:

1. was prejudiced in defending against the action because the person was a person in emergency management service or person suffering injury or damage; and

2. has a meritorious or legal defense against all or part of the action in which the judgment was entered.

(2) Vacating, setting aside, or reversing a judgment because of this subtitle does not impair any right or title acquired by a bona fide purchaser for value under the judgment.

(d) (1) At any stage of a proceeding in a court in which a person in emergency management service or person suffering injury or damage is a plaintiff or defendant:

(i) on its own initiative the court may stay the proceeding; and

(ii) except as provided in paragraph (3) of this subsection, the court shall stay the proceeding on motion by the person in emergency management service, person suffering injury or damage, or another person acting on behalf of that person.

(2) A proceeding may be stayed under this subsection during the period that the plaintiff or defendant is, or within 60 days after the plaintiff or defendant ceased to be, a person in emergency management service or person suffering injury or damage.

(3) The court need not issue a stay under this subsection if the court finds that being a person in emergency management service or person suffering injury or damage did not materially affect the ability of the plaintiff to prosecute the action or the ability of the defendant to conduct a defense.

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